ANNO REGNI

CAROLI

REGIS ANGLIÆ, SCOTIÆ, FRANCIÆ, & HIBERNIÆ, DECIMO SEPTIMO.

At the Parliament begun at *Westminster* the third day of November, *Anno Dom.* 1640.

In the 16. yeer of the Reign of our most gracious Soveraign Lord, CHARLES, by the grace of God, of England, Scotland, France, and Ireland King, Defender of the Faith, &c.

LONDON,
Printed by ROBERT BARKER, Printer to the Kings most Excellent Majestie: And by the Assignes of JOHN BILL.

1641.

Cum Privilegio


HONI SOIT QVI MAL Y PENSE
DIEV · ET · MON · DROIT

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BIBLIOTECA BODLEIANA

An Act for the securing of such Moneys as are or shall be due to the Inhabitants of the Countie of *York*, and the other adjoyning Counties, wherein His Majesties Armie is or hath been Billetted, for the Billet of the Souldiers of the said Army; as also to certain officers of the said Army who do forbear part of their pay, according to an Order in that behalf made in the Commons House of Parliament this present Session, for such part of their pay as they shall so forbear.

FOrasmuch as divers of the Inhabitants of the severall Counties of York, Lincolne, Nottingham, and other adjoyning Counties in the severall places where his Majesties Armie is, and hath been Quartered and Billetted for his Majesties Service, have at their great charges, and to their much impoverishment, kept and maintained the said Armie for certain Mo-

neths by past, without any payment or satisfaction for the same: And Whereas they the said Inhabitants of the said severall Counties have been desired, and are contented to forbear the Moneys due, and to be due to them respectively, for the said Billet, untill the Moneth of November next, (if there be not means to pay and discharge the same in the mean time) And whereas divers of the Officers of the said Armie are likewise contented to forbear some part of their Pay, according to an Order in that behalf made in the Commons House of Parliament this present Session, untill the time aforesaid:

To the end therefore that both the said Inhabitants, and the said Officers may be secured for the true payment of the said Moneys accordingly, and to avoid or decide all differences and controversies which might arise, upon the severall accounts between the said Inhabitants and the Souldiers, for the certaintie of the said Billet Money: May it please Your most Excellent Majestie, that it may be Enacted; And be it enacted by Your most Excellent Majestie, the Lords and Commons in this present Parliament assembled, and by authority of the same, that all and every the sum or sums of Money which now are, or before the time of payment of the said Billet Money, shall appear to be due, and owing either to the said Inhabitants or any of them, for the Billet of the said Armie, or any part thereof, or to any of the said Officers, according to the said Order shall upon the tenth day of November next coming, or sooner, if there be means to do it, be well and truely paid, and discharged to the severall persons to whom the same are or shall be due respectively, out of the Moneys which shall be raised by vertue of an

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Act made in this preſent Seſſion of Parliament, intituled, An Act for the ſpeedie proviſion of Money for the disbanding the Armies, and ſetling the Peace of the two Kingdoms of England and Scotland; by the Treaſurers, or perſons appointed by that Act for the receipt of the Moneys ſo to be raiſed, or by ſuch other Wayes and means as the Houſe of Commons ſhall think fit and appoint, in manner and form following; That is to ſay, That the perſons appointed by the ſaid Act for the receipt of ſuch part of the ſaid Moneys, as is by vertue thereof payable at the Chamber in the Citie of York, ſhall out of the ſame, at, or in the ſaid Chamber, upon the ſaid tenth day of November (or ſooner, if there be means to do it) well and truely pay unto the hands of Sir William Liſter, Sir Gervaſe Cutler, Sir Arthur Ingram the younger, and Sir John Ramſden, Knights, John Kay, and Peter Jennings, Eſquires, or to any two, or more of them, all ſuch Moneys as are or ſhall be due, as aforeſaid, to the ſeverall Inhabitants of the Weſt-Riding of the ſaid Countie of Yorke reſpectively, for the ſaid Billet Money: To the hands of Sir Marmaduke Wyvell, Knight and Baronet, Sir Richard Darley, Knight, Bryan Stapleton, John Calverley, Henry Anderſon, John Dodſworth the younger, James Pennyman, William Calye, and Francis Laſſells Eſquires, or to any two or more of them, all ſuch Moneys as are or ſhall be due, as aforeſaid, to the ſeverall Inhabitants of the North-Riding of the ſaid County of York, and of ſuch places within the County of Durham, where any of his Majeſties ſaid Army is, or hath been Quartered or Billetted reſpectively, for the Billet of the ſaid Souldiers. To the hands of John Legard of Gaunton, Richard Remington, Chriſtopher

Appleyard, Francis Munckton, and Edward Paler Esquires, or to any two or more of them, all such Moneys as are or shall be due, as aforesaid, to the severall Inhabitants of the East-Riding of the said County of York respectively, for the said Billet-Money. To the hands of Lancelot Roper, James Watkinson, and Nicholas Denman Gentlemen, or to any two of them, all such Moneys as are or shall be due, as aforesaid, to the severall Inhabitants of the Town and County of Kingston upon Hull respectively, for the Billet of the said souldiers. To the hands of Sir William Fairfaxe, and Sir Thomas Harrison Knights, John Geldart Merchant, and Robert Knight Grocer, or to any three of them, all such Moneys as are or shall be due, as aforesaid, to the severall Inhabitants of the said City of York, and County of the same respectively, for the said Billet-Money. To the hands of Sir William Pelham Knight, Willoughbie Hickman, Charles Pelham, and Thomas Sanderson Esquires, or any two or more of them, all such Moneys as are or shall be due, as aforesaid, to the severall Inhabitants of the said County of Lincoln respectively for the said Billet-Money. And to the hands of John Nevile, Anthony Ayre, William Moseley, and William Sanderson Esquires, or to any two or more of them, all such Moneys as are or shall be due, as aforesaid, to the severall Inhabitants of the County of Nottingham respectively, for the said Billet-Money. And that the said Moneys so to be paid, and every part thereof, shall be paid according to the Certificate for so much as is already certainly certified, and for the residue after the rate of three shillings by the week for every Common foot Souldier, as shall appear due by a Certificate to be taken upon the Disbanding, unlesse where it shall appear

that

that there hath been some expresse agreement for another rate; and for the Horsmen after the rate of seven shillings and six pence by the Week for every common Souldier and his Horse, unlesse where it shall appear that there hath been expresse agreement for another rate: And for the Officers both of Horse and Foot, such rates as shall be set down by the Lord Generall of the Army, and the Lord Lieutenant of the County of York.

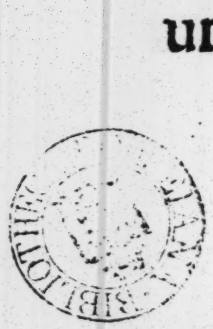
And be it further enacted by the Authority aforesaid, that the Acquittances of so many, and such of the said persons above named, for the receipt of the said Moneys due to the said severall Inhabitants of the severall Counties and places above mentioned, as shall receive the same respectively, as aforesaid, shall be sufficient discharges to, and for the said persons from whom they shall so receive the same by vertue of this Act, for such severall sums of Money as they shall so receive respectively.

And be it likewise further enacted by the Authority aforesaid, That the persons, who shall by vertue of the said recited Act receive such part of the said Moneys as is thereby payable at or in the Chamberlains Office in Guildhall within the City of London, shall out of the same, at or in the said Chamberlains Office, upon the said tenth day of November (or sooner, if there be means to do it) pay to the hands of Sir William Vuedall Knight, Treasurer of his Majesties said Army, all such Moneys as are or shall be due, as aforesaid, to the severall Officers of the said Army, who shall forbear the same according to the Order above mentioned; And that the Acquittances of the said Sir William Vuedall shall be a sufficient discharge for what he shall so receive.

ANNO

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An Act for the declaring unlawfull and void the late proceedings touching Ship-money, and for the vacating of all Records and Processe concerning the same.





Whereas divers Writs of late time, issued under the great Seal of England, commonly called Shipwrits, for the charging of the Ports, Towns, Cities, Boroughs, and Counties of this Realm respectively, to provide and furnish certain Ships for His Majesties service: And Whereas upon the execution of the same Writs, and Returns of Certioraries thereupon made, and the sending the same by Mittimus into the Court of Exchequer, Processe hath been thence made against sundry

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ſundry perſons pretended to be charged by way of Contribution, for the making up of certain ſums aſſeſſed for the providing of the ſaid Ships, and in eſpeciall in Eaſter Term, in the thirteenth yeer of the Reign of our Soveraign Lord the King that now is, a Writ of Scire facias was awarded out of the Court of Exchequer, to the then Sheriffe of Buckingham-ſhire, againſt John Hampden Eſquire to appear and ſhew cauſe, why he ſhould not be charged with a certain ſum ſo aſſeſſed upon him, upon whoſe appearance and demurrer to the proceedings therein, the Barons of the Exchequer adjourned the ſame caſe into the Exchequer-chamber, where it was ſolemnly argued divers dayes, and at length it was there agreed by the greater part of all the Juſtices of the Courts of Kings Bench, and Common Pleas, and of the Barons of the Exchequer there aſſembled, that the ſaid John Hampden ſhould be charged with the ſaid ſum ſo as aforeſaid aſſeſſed on him; The main grounds and reaſons of the ſaid Juſtices and Barons which ſo agreed, being that when the good and ſafety of the Kingdom in generall is concerned, and the Whole Kingdom in danger, the King might by Writ under the Great Seal of England, command all the Subjects of this his Kingdom, at their charge to provide and furniſh ſuch number of Ships with Men, Victuals, and Munition, and for ſuch time as the King ſhould think fit, for the defence and ſafegard of the Kingdom, from ſuch danger and peril, and that by Law the King might compell the doing thereof, in caſe of refuſall, or refractarineſſe, and that the King is the ſole Judge both of the danger, and when, and how the ſame is to be prevented, and avoided, according to which grounds, and rea-

ſons, all the Juſtices of the ſaid Courts of Kings Bench, and Common Pleas, and the ſaid Barons of the Exchequer having been formerly conſulted with by His Majeſties command, had ſet their hands to an extrajudiciall opinion expreſſed to the ſame purpoſe, which opinion with their names thereunto was alſo by His Majeſties command inrolled in the Courts of Chancery, Kings Bench, Common Pleas, and Exchequer, and likewiſe entred among the Remembrances of the Court of Star-Chamber, and according to the ſaid agreement of the ſaid Juſtices, and Barons, Judgement was given by the Barons of the Exchequer, That the ſaid John Hampden ſhould be charged with the ſaid ſum ſo aſſeſſed on him; And whereas ſome other Actions and Proces, depend, and have depended in the ſaid Court of Exchequer, and in ſome other Courts againſt other perſons, for the like kinde of charge, grounded upon the ſaid Writs, commonly called Shipwrits, all which Writs, and proceedings as aforeſaid, were utterly againſt the Law of the Land:.

Be it therefore declared and Enacted by the Kings moſt Excellent Majeſty, and the Lords and Commons in this preſent Parliament aſſembled, and by the Authoritie of the ſame, That the ſaid charge impoſed upon the Subject, for the providing and furniſhing of Ships, commonly called Shipmoney, and the ſaid extrajudiciall opinion of the ſaid Juſtices and Barons, and the ſaid Writs, and every of them, and the ſaid agreement or opinion of the greater part of the ſaid Juſtices and Barons, and the ſaid Judgement given againſt the ſaid John Hampden were, and are contrary to, and againſt the Laws and Statutes of this Realm, the right of property,

propertie, the liberte of the Subjects, former reſolutions in Parliament, and the Petition of right made in the third yeer of the Reign of his Majeſtie that now is.

And it is further declared and Enacted by the Authoritie aforeſaid, That all and every the particulars prayed or deſired in the ſaid Petition of right, ſhall from henceforth be put in execution accordingly, and ſhall be firmly and ſtrictly holden and obſerved, as in the ſame Petition they are prayed and expreſſed, and that all and every the Records and remembrances of all and every the Judgement, Inrolments, Entry and proceedings, as aforeſaid, and all and every the proceedings whatſoever, upon, or by pretext or colour of any of the ſaid Writs, commonly called Ship-Writs, and all and every the Dependents on any of them, ſhall be Deemed and Adjudged to all intents, conſtructions, and purpoſes, to be utterly void and diſannulled, and that all and every the ſaid Judgement, Inrolments, Entryes, Proceedings, and Dependents of what kinde ſoever, ſhall be vacated and cancelled in ſuch manner and form as Records uſe to be that are vacated.